

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

THOMAS J. STYCZINSKI, on behalf of)	CASE NO. 14-cv-00619 (SRN/JJG)
himself and all others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	DEFENDANTS’
)	MOTION TO DISMISS
WESTMINSTER MINT, INC., <i>et al.</i> ,)	
)	
Defendants.)	

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Westminster Mint, Inc. (“Westminster”) and Bullion International, Inc. d/b/a Highland Mint and International Fulfillment House (“Bullion”) (collectively “Defendants”) move this Court to dismiss Plaintiff’s Complaint. Plaintiff has failed to state a viable claim under the Hobby Protection Act (“HPA” or “Act”). The facts, as alleged, show that the decorative “rounds” sold by the Defendants do not qualify as “imitation numismatic items” under the Act. As such, they need not be marked as copies, and Plaintiff has no claim under the HPA. Plaintiff’s claim against Westminster fails for the additional reason that the HPA applies only to manufacturers and importers, and Westminster is neither. Finally, even if Plaintiff had stated an actionable HPA claim, his allegations do not support a claim for monetary damages, so that portion of his Complaint should be dismissed.

For these reasons, as well as others set out more fully in the memoranda and supporting documents filed in support of the motion, Defendants move this Court to dismiss Plaintiff's claims in their entirety and with prejudice.

DATED: May 2, 2014.

**GRAY, PLANT, MOOTY, MOOTY
& BENNETT, P.A.**

By s/ Craig P. Miller
Craig P. Miller (#26961X)
Kelly W. Hoversten (#320419)
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 632-3000
Facsimile: (612) 632-4444
craig.miller@gpmlaw.com
kelly.hoversten@gpmlaw.com

ATTORNEYS FOR DEFENDANTS

GP:3666881 v1